

**BERNARDS TOWNSHIP  
PLANNING BOARD**

**MINUTES<sup>v2</sup>**  
Regular Meeting  
May 16, 2017

Chairman Plaza called the meeting to order at 7:39 PM.

**FLAG SALUTE**

**OPEN MEETING STATEMENT**

Chairman Plaza read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was mailed to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, and was mailed to all those people who have requested individual notice and paid the required fee."

"The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM."

**ROLL CALL:**

Members Present: Axt, Baldassare, Harris, Kleinert, Moschello, Piedici, Plaza, Ross, Zaidel  
Members Absent: Gaziano, Malay  
Also Present: Board Attorney Jonathan Drill, Esq; Township Planner David Schley, PP, AICP; Board Planner David Banisch, PP, AICP; Board Engineer Thomas J. Quinn, PE; Board Secretary Cyndi Kiefer

Ms. Piedici motioned that the absences of Mayor Gaziano and Committeeman Malay be excused. Mr. Moschello seconded and by unanimous Voice Vote, the motion was carried.

**Completeness Hearing**

- Tullo-McVicar; Block 1604, Lot 7; 55 South Maple Avenue; Site Plan; #PB17-005

Mr. Moschello recused himself and left the room.

Present: Frederick Zelley, Esq., counsel for the applicant

David Schley, PP, AICP, referred to his memo of May 2, 2017 and advised the board members that Items #1 and #2 had been submitted however the applicant was seeking a waiver for Item #3 which was a project report/environmental impact assessment.

Frederick Zelley, attorney with *Bisogno, Loeffler & Zelley LLC*, Basking Ridge, NJ, stated that he represented the applicant, Jamie Marie Tullo-McVicar and that the project only involved replacement of the roof. Neither Mr. Schley nor Mr. Quinn voiced objections to granting the waiver.

Mr. Baldassare moved that the application been deemed complete and that the waiver as stated be granted. Ms. Kleinert seconded the motion.

### **Roll Call**

Aye: Axt, Baldassare, Harris, Kleinert, Piedici, Plaza, Ross, Zaidel  
Nay: NONE  
Abstain: NONE

Motion carried.

Mr. Moschello returned to the room.

Chairman Plaza announced that the order of hearings as listed on the agenda would be reversed and that Application #PB17-003 (United States Golf Association) would be heard first.

### **Public Hearing**

- United States Golf Association; Block 9601, Lot 5.01; 77 Liberty Corner Road, Amended Preliminary/Final Site Plan; #PB17-003

Mr. Harris recused himself and left the room.

Present: Thomas J. Malman, Esq., counsel for the applicant  
Ronald A. Kennedy, PE, engineer for the applicant  
Richard Tedaldi, Head of Campus Operations  
Nick Glase, RLA, RA, ASLA, AIA, landscape architect for the applicant

Thomas J. Malman, attorney with *Day Pitney LLP*, Parsippany, NJ stated that he represented the applicant in this proceeding. He told the board members that the applicant, the United States Golf Association (USGA), had submitted an application in 2016 (#PB16-001) which had been approved and subsequently memorialized on April 4, 2017. Construction was currently underway with January or February as the target date for reoccupation of the administrative building. The current application requested an amendment to allow for minor changes to the approved parking plan along with phasing of that plan including an interim temporary parking area and also for changes in landscaping and grading. The USGA was attempting to purchase a neighboring property and should that occur, they would then rethink the permanent parking design. In the meantime, the interim parking lot along with the existing parking lot would provide sufficient parking so that the administrative offices could be reoccupied. He advised the Board that the applicant was requesting two (2) years to redesign the parking lot and seek further Board approval or build the parking lot as amended in this application.

Counselor Drill swore in the applicant's professionals as well as the Board's. Ronald A. Kennedy, PE, PP, LEED AP, president of *Gladstone Engineering Inc.*, Gladstone, NJ, presented his credentials to Chairman Plaza and was accepted as an expert in engineering. He began a power point presentation (a paper copy of which was marked **Exhibit A-1**) with an aerial view of the property. After a brief description of the subject property which totaled 68 acres, he pointed out the property to the west of the subject property which the USGA was attempting to purchase.

Mr. Kennedy advised the board members that with the proposed final parking design, there would be a total of 351 spaces which was in compliance with the ordinances that had been created for the GH Zone. This parking proposal was now broken down into two (2) phases. He outlined



Phase 1 of the amended proposal which would involve restriping the existing parking lot and construction of an interim temporary parking lot which would be paved and striped but not curbed. The two (2) lots would provide a total of 320 stalls so that the Administration Building could be reoccupied in January or February.

Also in Phase 1, the landscaping around the main administrative building would be revised to include plantings and walkways that were more in context with golf. The area in front of the museum was redesigned to create outdoor gathering areas and more walkways. This would increase impervious coverage however they were still well within the ordinance requirements.

Mr. Kennedy stated that the driveways for the main access to the loading area would remain the same. Proposed regrading off the new wing would reduce the number of retaining walls from two (2) as proposed in the original application to one (1) wall nine (9) feet high (where 8 feet is allowed). This configuration worked better than the original plan and reduced the variance requests by one. The applicant had hired Nick Glase, RLA, RA, ASLA, AIA, landscape architect with *Scape/Landscape Architecture LLC*, New York NY, who was responsible for the upgrade in the landscape design.

Mr. Kennedy then discussed Phase 2. He showed the board members the new simplified sign design which would be located on two "low slung walls" on each side of the entrance to the facility. They were a maximum of five (5) feet in height from grade to the top and they complied with Condition 8 on page 27 of the #PB16-001 resolution which restricted the signs to a total area of 30 square feet.

Phase 2 would also include the final parking design which would generate the required 351 stalls. Mr. Kennedy reiterated that if approved, the interim temporary parking lot would bring the total number of spaces to 320. It would be paved and striped however it would not be curbed. Within two (2) years, the applicant would either construct the permanent parking lot as designed in this amended proposal or come back to the Board with a new design should the applicant acquire the adjacent land.

Mr. Schley pointed out that the surrounding property not zoned for this use. Mr. Kennedy responded that in all likelihood, the applicant would request rezoning.

Mr. Schley referred to Item #5 in his memo of May 16, 2017 regarding the height of the proposed acoustical screen for the relocated generator. Mr. Kennedy stated that it would be approximately 13 feet high and that the applicant would provide a detail. Mr. Schley advised him that a C-2 variance would be required since this was considered a fence.

Mr. Kennedy discussed the number of trees being removed, most of which had small canopies or were diseased and described the new landscape design with red maples along the two walls of the entranceway.

Hearing no further questions for this witness from either board members or the public, Chairman Plaza closed the meeting to the public and Counselor Drill outlined the relief being sought. Mr. Baldassare moved approval of the application and Ms. Kleinert seconded.

**Roll Call**

Aye: Axt, Baldassare, Kleinert, Moschello, Plaza, Piedici, Ross, Zaidel  
Nay: NONE  
Abstain: NONE

Motion carried.

Mr. Harris returned to the room.

**Public Hearing**

- Finley Real Estate LLC (Washington House Restaurant); Block 1801, Lot 1, Block 1802, Lot 2; 55 South Finley Avenue, 2 Rankin Avenue; Preliminary/Final Site Plan; #PB17-004

Present: Mads Jepsen, Principal, Finley Real Estate LLC, applicant  
David Burton Brady, Esq., counsel for the applicant  
Craig W. Peregoy, PE, traffic engineer for the applicant

David Burton Brady, Esq., attorney with *Brady & Correale, LLP*, Morristown, NJ advised the board members that he represented the applicant, Finley Real Estate LLC. He stated that the first floor of the three-story building located at 55 South Finley Avenue was occupied by the Washington House Restaurant and that offices occupied the second and third floors. The applicant sought to amend the approvals granted by the Planning Board in 2016 (#PB15-001) in order to allow 59 parking spaces (as opposed to 60 approved) and to allow 174 restaurant seats (as opposed to 129 approved). He also discussed previous approvals granted by the Zoning Board of Adjustment for this property in 1985 and 1999.

Mr. Brady told the board members that in the #PB15-001 approval, Condition #8 required installation of a trash enclosure which unexpectedly resulted in the loss of one parking stall bringing the total number to 59. In addition, that approval had decreased the number of restaurant seats from 174 to 129 and required that a net zero seating balance be maintained when using the outdoor seating areas. The current application requested that the seating number be returned to its original 174 number in addition to the request for a reduction in the number of required parking stalls.

A discussion ensued about the seating numbers, inside versus outside, and why the number of seats was reduced in the 2016 approval.

Mads Jepsen, principal with *Finley Real Estate LLC* and *Finley Avenue LLC* (restaurant), Craig W. Peregoy, traffic engineer for the applicant and the Board's consultants were sworn in by Counselor Drill.

Mr. Jepsen told the board members that when he submitted his application in 2015 (#PB15-001), he was new to the restaurant business. He had volunteered to reduce the number of seats from 174 to 129 but now felt that the original number of 174 was more appropriate, 150 inside and 24 outside, although he was doubtful that maximum capacity would ever occur.

Mr. Jepsen explained that the 2016 resolution required 60 parking stalls and when the dumpster enclosure was designed and built, it took up more room than anticipated resulting in the loss of one (1) parking space. With only 59 stalls, Mr. Jepsen was no longer in compliance with that resolution. He had considered relocating the dumpster area however because of the large size of the garbage trucks, the original location was the only one that was viable.



Mr. Jepsen discussed the actual parking requirements for both the restaurant and the offices as he had observed them. He stated that the lower lot was never used but the upper lot did get busy during peak hours. He also added that he had never received any complaints about parking issues.

Mr. Jepsen advised the board members that he was not seeking an increase in patronage by asking for more seats. He was looking for more consistency; when the outdoor patios were busy, the inside dining areas were slow and vice versa. More tables would allow him to seat people quicker and lessen or eliminate any waiting time.

In response to a question from Mr. Brady, Mr. Jepsen stated that there would be no storage of construction materials or machinery in the lower lot and that he would stipulate that all materials stored in the lower lot would be kept in the dumpster enclosure.

Chairman Plaza asked what the maximum capacity of the restaurant was according to the fire official. Mr. Jepsen responded that he didn't know.

Mr. Jepsen noted that the lower parking lot was lit from sundown to approximately 2:00 AM although his business usually ended around midnight.

Hearing no further questions from either the board members or the public, Chairman Plaza closed this portion of the meeting to the public and asked for a brief recess at 9:20 PM.

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The hearing was reconvened at 9:30 PM.

Further discussion ensued about the maximum allowable occupancy and Chairman Plaza noted that regardless of any Board approval, occupancy would not be permitted to exceed the maximum established by the fire code.

Craig W. Peregoy, PE, principal with *Dynamic Traffic, LLC*, Chester, NJ, presented his professional credentials to Chairman Plaza and after verifying that his license was in good standing, Chairman Plaza accepted him as an expert in traffic engineering.

Mr. Peregoy discussed the findings of his parking study report dated December 28, 2016 and his conclusion that the parking available in both lots as well as on street parking would be ample even if all 174 seats in the restaurant were occupied. There was no detriment to the traffic circulation or to the public.

In response to a question by Ms. Axt, Mr. Jepsen stated that most of the employees either walked, biked or took the train to work. Those that drove, parked in the lower lot.

Hearing no further questions for the witness from either the board members or the public, Chairman Plaza closed this portion of the hearing to the public.

Mr. Brady summarized by stating that the applicant had demonstrated with new testimony which was unavailable during the 2015 hearing that both the reduction in parking stalls and the increase in seating could be granted without substantial detriment to the public good or impairment of the zoning ordinances and Master Plan of the Township.

After deliberations, Mr. Moschello motioned approval of the application with conditions as discussed. Ms. Piedici seconded.

**Roll Call**

Aye: Axt, Baldassare, Harris, Kleinert, Moschello, Plaza, Piedici, Ross, Zaidel  
Nay: NONE  
Abstain: NONE

Motion carried.

**Comments from Staff or Members**

Chairman Plaza announced that due to personal and professional responsibilities, he was resigning from the Planning Board effective May 18, 2017. He thanked everyone for their support and guidance during his 14 years of service with the land use boards.

There being no further business, the meeting was adjourned at 10:03 PM.

Respectfully submitted,



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Cyndi Kiefer, Secretary  
Bernards Township  
Planning Board